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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Second performance report of the International Criminal Tribunal for the Former Yugoslavia for the biennium 2002-2003

Second performance report of the International Criminal Tribunal for Rwanda for the biennium 2002-2003

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the financial performance of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/58/593) and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/58/597). During its consideration of the reports, the Advisory Committee met with the representatives of the Secretary-General, who provided additional information.

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I. International Criminal Tribunal for the Former Yugoslavia

2. By its resolution 57/288 of 20 December 2002, the General Assembly approved a revised appropriation for the biennium 2002-2003 of $262,653,700 gross ($235,955,000 net) for the International Tribunal for the Former Yugoslavia.

3. Information on trial activity during the biennium 2002-2003 is contained in annex II to the report (A/58/593). The Advisory Committee notes that the Tribunal estimates the number of court sessions for the biennium 2002-2003 at 3,402, compared with the initial estimate of 4,656, owing to the statutory time frames of the rules of procedure and evidence as well as factors beyond its control. Moreover, two of the three additional ad litem judges joined the Tribunals as from April 2002, and a maximum of five trials were conducted during the first three months of the year instead of the six initially envisaged and currently conducted.

4. As indicated in table 1 of the performance report, expenditures for the period are estimated at $288,322,200 gross ($254,603,800 net), reflecting additional requirements of $25,668,500 gross ($18,803,200 net).

5. The Advisory Committee notes that most of the increase ($25,069,200) is the result of changes with respect to exchange rates resulting from the weakening of the United States dollar vis-à-vis the euro ($21,284,600) and inflation ($3,784,600) (see ibid., para. 4). The budgetary parameters used for the revised and the proposed final appropriation are indicated in annex I to the report.

6. The remainder of the increase ($599,300) is shown in table 2 under post incumbency and other changes. The Advisory Committee notes the overexpenditures indicated under posts ($8,891,700) and under staff assessment ($5,905,700). The changes under posts are related to vacancy rates and salary standards (see ibid., paras. 7 and 12). A total of 33 and 57 new posts were established in the Office of the Prosecutor and the Registry respectively, using vacancy rates of 50 per cent for new Professional posts and 40 per cent for new General Service posts. However, the posts were filled by July and the second half of 2002 respectively, creating an impact on the requirements for salary and common staff costs. As to the salary standards, the common staff cost rate was also higher than budgeted. The increase in post requirements is consequently reflected under staff assessment, offset by an equal amount under income from staff assessment.

7. Those increases are offset by decreases under other staff costs ($4,410,300), travel ($2,836,200), contractual services ($4,958,100) and general operating expenses ($2,805,900). The decrease under other staff costs ($4,410,300) is the net result of savings under mission subsistence allowance as a result of fewer than anticipated personnel stationed in the field ($1,106,600 for the Office of the Prosecutor and $927,300 for the Registry) and under temporary assistance for meetings in the Registry ($3,399,900) in view of a lower than anticipated level of trial activity and savings projected under French reporting services (see ibid., paras. 14-16). These are offset by additional requirements under general temporary assistance ($1,013,900) for the Registry (see ibid., para. 18).

8. The Advisory Committee requested information regarding the liabilities arising from an appeal lodged by staff that resulted in retroactive payments (see ibid.). The Committee was informed that those liabilities related to 90 Professional staff formerly recruited as local staff under general temporary assistance who

claimed international entitlements. Having won their appeal, the staff received entitlements valued at $1,100,100. The Committee requested additional information in this regard, which should be provided to the Fifth Committee. As to the additional requirement in relation to the judicial database project, the Committee was informed that it amounted to $500,000 and that it had not been foreseen at the time of the preparation of the budget. Information requested in writing as to the status of the project should also be provided to the Fifth Committee.

9. An amount of $954,100 is indicated in table 2 under furniture and equipment related to data-processing equipment and software, audio-visual equipment, security and safety equipment and communications equipment (see ibid., para. 29). **The Advisory Committee is aware that the changes related to rates of exchange and inflation could not have been anticipated. However, it is of the opinion that some of these other items, such as the judicial database project or the furniture and equipment needs, could have been better planned or foreseen, and thus better budgeted for. In addition, expenditures should be more closely monitored.**

10. The decrease in travel of $2,836,200 is due mostly to savings amounting to $2,127,100 in the Office of the Prosecutor, resulting from the reassignment of investigators to trial work, making them unable to carry out projected investigation missions, as well as a shorter average duration for missions and lower travel costs than were initially assumed in the budget (see ibid., para. 10).

11. The decrease in general operating expenses ($2,805,900) is due mostly to reductions under rental of premises ($1,271,100) (see ibid., paras. 22-23), and the decrease under contractual services ($4,958,100) is mostly the result of lower requirements for defence counsel ($4,651,000) due to a reduced number of detainees and the application of the revised payment system adopted in July 2002 (see ibid., para. 21). The information requested by the Advisory Committee regarding the breakdown of this amount should be provided to the Fifth Committee.

12. Upon enquiry, the Advisory Committee was informed that unliquidated obligations, as at 30 September 2003, amounted to $14,520,000. The Committee notes, however, that those amounts could change in view of the impact of changes in the rate of exchange at the time of their disbursement in future.

13. **The action to be taken by the General Assembly is indicated in section III of the report. The Advisory Committee recommends that the appropriation for the biennium 2002-2003 for the Special Account for the International Criminal Tribunal for the Former Yugoslavia be revised in the amount of $288,322,200 gross ($254,603,800 net).**

II. International Criminal Tribunal for Rwanda

14. By its resolution 57/289 of 20 December 2002, the General Assembly appropriated a revised amount of $203,962,600 gross ($182,872,700 net) for the biennium 2002-2003. Information on the trial activities of the International Criminal Tribunal for Rwanda during the biennium 2002-2003 is provided in annex II to the report (A/58/597).

15. As indicated in table 1 of the report, the estimated level of resources, based on actual expenditures for the first 20 months of the biennium and projected

requirements for the last 4 months, is $208,479,700 gross ($187,262,900 net) for the biennium 2002-2003, reflecting additional requirements of $4,517,100 gross ($4,392,200 net). The total resources include requirements related to the appointment by the Security Council in its resolution 1503 (2003) of a new Prosecutor for the Tribunal, effective 15 September 2003 (see ibid., paras. 8 and 15).

16. The Advisory Committee notes from table 2 that the resource growth is the result of the impact of changes in inflation (additional requirements of $11,483,200), offset by a favourable rate of exchange of the United States dollar against the Tanzanian shilling and the Rwanda franc (savings of $3,983,600), and savings under post incumbency and other changes ($2,982,500). The budgetary parameters, related to rates of exchange, inflation and post adjustment multipliers, used in formulating the revised budget and the final budget are indicated in annex I to the report.

17. As to the net savings under post incumbency and other changes, the Advisory Committee notes the reduced requirements of $4,415,500 under posts. The decrease is the result of higher than expected vacancy rates. The Committee recalls that the budgetary assumptions included a vacancy rate of 18 per cent for Professional staff and 12 per cent for staff in the General Service category. For the Office of the Prosecutor they are 19 per cent for Professional and 17 per cent for General Service staff during 2002, and 18 per cent for Professional and 14 per cent for General Service staff from January to August 2003. For the Registry they are 20 per cent for Professional and 13 per cent for General Service staff during 2002, and 18 per cent for Professional and 11 per cent for General Service staff from January to August 2003 (see ibid., paras. 7 and 13).

18. The net increase of $2,325,300 under contractual services reflects the additional requirements for defence counsel fees ($2,380,800) in view of more hours required than initially anticipated in relation to the *Butare* and *Military I* cases.

19. The Advisory Committee was informed, upon enquiry, that unliquidated obligations, as at 30 September 2003, amounted to $9,400,000 (see also para. 12 above).

20. **The Advisory Committee recommends that the General Assembly approve the revised appropriation of $208,479,700 gross ($187,262,900 net) for the Special Account for the International Criminal Tribunal for Rwanda for the biennium 2002-2003.**